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NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 PAVEL IVANOVICH LAZARENKO,
16 a/k/a "Pavlo Ivanovych Lazarenko,"

17 Defendant.
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No. CR 00-0284-MJJ

VIOLATIONS: Title 18, United States
Code, § 1956(h) – Conspiracy to Commit
Money Laundering; Title 18, United States
Code, § 1956(a) – Money Laundering; Title
18, United States Code, § 1343 – Wire
Fraud; Title 18, United States Code, § 2314
– Transportation of Stolen Property; Title
18, United States Code, Section 2 – Aiding
and Abetting

SAN FRANCISCO VENUE

21
22 SECOND SUPERSEDING INDICTMENT

23 I. INTRODUCTION

24 1. At all times relevant to this indictment, Pavel Ivanovich Lazarenko, a/k/a/ "Pavlo
25 Ivanovych Lazarenko" (hereafter "Lazarenko"), was a citizen and resident of Ukraine.

26 2. From March of 1992 through June of 1994, Lazarenko was a Representative of the
27 President of Ukraine in the Dnepropetrovsk District of Ukraine.

28 3. From June of 1994 through July of 1995, Lazarenko was the Chairman of the
Dnepropetrovsk District Council of People's Deputies.

4. From July of 1995 through September of 1995, Lazarenko was the Head of the

Dnepropetrovsk District government.

2 5. From September of 1995 through May of 1996, Lazarenko was the First Vice Prime
3 Minister of Ukraine.

4 6. On May 28, 1996, Lazarenko became the Prime Minister of Ukraine, a position he
5 held until July 1, 1997.

6 7. After July 1, 1997, Lazarenko became a member of the Ukrainian Parliament and the
7 head of the Hromada Party.

8 8. At all times relevant to the charges herein, Peter Nikolayevich Kiritchenko
9 (hereinafter "Kiritchenko") was a citizen of Ukraine.

10 9. On December 14, 1990, Kiritchenko formed, among other enterprises, a Poland-
11 based firm named Agrosnabsbyt, also known by its English acronym, ASS, Ltd.
12 ("Agrosnabsbyt/ASS"), which engaged in business in Ukraine, Poland, and elsewhere.

13 10. In 1991, Kiritchenko incorporated ABS Enterprises, Inc., in Delaware, and, in
14 1994, incorporated ABS Trading, Inc. in California, which he merged with ABS Enterprises, Inc.
15 ("ABS"). Since 1994 ABS has been wholly owned by Agrosnabsbyt/ASS and engaged in
16 business in the United States, Ukraine, and elsewhere.

17 11. ABS maintained its offices in San Francisco, California until August 1997, when it
18 moved its offices to Sausalito, California.

19 12. Since approximately March 1995, Kiritchenko has been a resident of California and
20 the United States.

21 13. On September 14, 1995, Kiritchenko was named an advisor to Lazarenko, who at
22 the time was First Deputy Prime Minister, by Directive No. 586 of the Ukrainian Cabinet of
23 Ministers.

24 14. On July 12, 1996, Kiritchenko was named as an advisor to then-Prime Minister
25 Lazarenko by Ukrainian Cabinet of Ministers Directive 596. He served as an advisor until he
26 and Lazarenko were dismissed by Ukrainian Cabinet of Ministers Directive 677 on July 3, 1997.

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SECOND SUPERSEDING
INDICTMENT

1 COUNT ONE: (18 U.S.C. § 1956(h) -- Conspiracy to Commit Money Laundering)

2 15. The allegations set forth in Paragraphs One through Fourteen of this Second
3 Superseding Indictment are hereby incorporated by reference.

4 16. On or about and between January 1992 and June 1999, both dates being
5 approximate and inclusive, in the Northern District of California, and elsewhere, the defendant

6 PAVEL IVANOVICH LAZARENKO,
7 a/k/a "Pavlo Ivanovych Lazarenko,"

8 together with Peter Nickolayevich Kiritchenko and others, did knowingly and intentionally
9 conspire to conduct and attempt to conduct financial transactions affecting interstate and foreign
10 commerce, which transactions involved the proceeds of specified unlawful activity, to wit –
11 extortion as specified in 18 U.S.C. § 1956(c)(7)(B)(ii); wire fraud in violation of 18 U.S.C.
12 § 1343 and § 1346; and receipt and transfer of property that was stolen, unlawfully converted,
13 and taken by fraud in violation of 18 U.S.C. § 2314 and § 2315 – knowing that the transactions
14 were designed in whole or in part to conceal and disguise the nature, location, source, ownership,
15 and control of the proceeds of the specified unlawful activity, and while conducting and
16 attempting to conduct such financial transactions knowing that the property involved in the
17 financial transactions represented the proceeds of some form of unlawful activity, in violation of
18 18 U.S.C. §1956(a)(1) and (2).

19 II. THE MANNER AND MEANS OF THE CONSPIRACY

20 17. It was part of the conspiracy that Lazarenko, as a government official in Ukraine,
21 would engage in various acts of extortion and fraud, and would receive funds that had been
22 stolen, converted and taken by fraud, and would transfer the proceeds of this activity into bank
23 accounts in Switzerland, Antigua, Poland, the United States, and elsewhere.

24 18. It was further part of the conspiracy that Lazarenko induced Kiritchenko to assist
25 Lazarenko to open bank accounts in Switzerland, Antigua, Poland, and the United States, and to
26 transfer the proceeds of fraud and extortion into and out of these bank accounts in an effort to
27 conceal and disguise the nature, location, source, ownership, and control of the proceeds of the
8 specified unlawful activity.

1 A. The Extortion and Frauds

2 1. The Extortion

3 19. It was part of the conspiracy that Lazarenko, while a government official in
4 Ukraine, obtained property, including money and ownership interests in certain companies, from
5 individuals and entities, with their consent, induced by wrongful use of actual or threatened fear
6 of economic harm, and under color of official right.

7 a. Beginning sometime in 1992, when Lazarenko was a Representative of the
8 President of Ukraine in Dnepropetrovsk, he met with Kiritchenko and by threat of economic
9 harm and under color of official right induced Kiritchenko to transfer to a relative of Lazarenko's
10 a 50% interest in Agrosnabsbyt/ASS, which was doing business in Ukraine, and to pay
11 Lazarenko 50% of the profits of the business.

12 1) In approximately January 1993, Kiritchenko transferred a 50%
13 interest in Agrosnabsbyt/ASS to Ekaterina S. Karova, a relative of Lazarenko, and transferred
14 \$40,000 to an account controlled by Lazarenko.

15 2) Thereafter, Kiritchenko transferred 50% of the profits of the business
16 to accounts controlled by Lazarenko as Lazarenko's "share" of the profits of Kiritchenko's
17 business in Ukraine.

18 b. Beginning sometime in 1993, when Lazarenko was a Representative of the
19 President of Ukraine in Dnepropetrovsk, he met with Alexei Alexandrovich Dityatkovsky
20 (hereinafter "Dityatkovsky"), who at that time was a resident of Ukraine, and by threat of
21 economic harm and under color of official right induced Dityatkovsky to transfer to Lazarenko a
22 50% interest in his business activity in Ukraine and to pay Lazarenko a percentage of the profits
23 of the business.

24 1) Dityatkovsky thereafter registered a company, called Dneproneft, and
25 gave Lazarenko a 50% interest in that company, which interest was held in the name of
26 Lazarenko's former driver and associate, Leonid Gadyatsky.

27 2) Thereafter, Dityatkovsky transferred a percentage of the profits of his
8 business to accounts controlled by Lazarenko.

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2. The Frauds

a. Lazarenko Transferred Money That Had Been Stolen, Converted and Taken By Fraud

1) The Naukovy Fraud

20. It was further part of the conspiracy that Lazarenko, while a government official in Ukraine, received and transferred money that had been stolen, converted and taken by fraud from Ukraine as follows:

a. From at least approximately 1992 Mykola Agafonov was the director of Naukovy State Farm, a Ukrainian government enterprise located in Dnepropetrovsk, Ukraine, that produced milk and dairy products.

b. During the time that Lazarenko was a government official in Dnepropetrovsk, Naukovy State Farm received certain benefits and privileges from the government of Ukraine, including the right to export from Ukraine metal products and raw materials produced by other Ukrainian state enterprises.

c. During 1992, Agafonov entered into a business relationship with Van der Ploeg von Terpstra, B.V., in Leeuwarden, The Netherlands, a producer of dairy cattle, milking equipment, and related products. Sometime prior to January 1993, Rienz Van der Ploeg, the director of Van der Ploeg von Terpstra, made available Van der Ploeg's foreign currency account at ABN Amro Bank in Leeuwarden for use by Agafonov. Thereafter, money derived from the sale of Ukrainian metal products and raw materials was deposited into that account on behalf of Naukovy State Farm.

d. During 1992, Lazarenko, through his deputy, instructed the director of Nikopolsky Metal Works factory in Dnepropetrovsk to transfer \$2,400,000 from Nikopolsky's hard currency account to the Van der Ploeg ABN Amro account. Lazarenko told the deputy that this money was to be used to buy wheat, but no wheat was ever purchased with this money. Instead, on January 19, 1993, \$1,200,000 of the money was transferred from the ABN Amro account to an account in Hungary opened by Agafonov, and on June 9, 1993, \$1,205,000 was transferred from this account to an account controlled by Lazarenko in Fribourg, Switzerland.

Thereafter, Lazarenko caused the transfer of these funds, among others, to bank accounts in the

1 United States, including a transfer of \$1,800,000 on July 1, 1994 to an account at Bank of
2 America in San Francisco, California.

3 e. Between 1992 and 1994, Agafonov, on behalf of Naukovy State Farm,
4 entered into a series of agreements with Van der Ploeg for the purchase of cattle and other related
5 supplies by Naukovy State Farm, pursuant to which the cattle and other related supplies were to
6 be paid for in part with Ukrainian government funds and in part from the proceeds of the sale of
7 metal products and raw materials from state enterprises exported from Ukraine.

8 f. Between 1992 and 1994, approximately \$38,000,000 of the proceeds from the
9 sale of metals and raw materials, which were sold by or on behalf of Naukovy State Farm, were
10 deposited into Van der Ploeg's ABN Amro account.

11 g. Between 1992 and 1994, Agafonov expended approximately \$13,000,000 of
12 these proceeds to purchase cattle and other supplies for Naukovy State Farm.

13 h. Between 1992 and 1994, Agafonov transferred a portion of the proceeds of
14 the sale of metals and raw materials into accounts controlled by Lazarenko. The transfers to
15 Lazarenko included a transfer on January 24, 1994 of \$2,972,000 and on March 8, 1994 of
16 \$4,000,000 to an account in Zurich, Switzerland; and a transfer on November 22, 1994 of
17 \$6,014,000 to an account in Geneva, Switzerland, which was subsequently transferred to another
18 account in Switzerland controlled by Lazarenko.

19 i. Beginning in 1993, Agafonov asked Rienz Van der Ploeg to sign false
20 contracts written in Russian which falsely represented the value of cattle supplied by Van der
21 Ploeg to Naukovy to be approximately \$2,400 per head, whereas in fact the actual value of the
22 cattle was approximately \$1,300 per head, and which falsely represented that Naukovy had
23 purchased millions of dollars of other goods, whereas in fact such goods had not been purchased.
24 These contracts were subsequently kept in the files of Naukovy State Farm, thereby falsely
25 representing that money received from the sale of metals and raw materials had been spent to
26 acquire cattle and other goods for Naukovy State Farm, when in fact the money had been paid to
27 Agafonov, Lazarenko, and others.

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SECOND SUPERSEDING
INDICTMENT

2) The UESU Frauds

22. It was further part of the conspiracy that Lazarenko, when he was the First Vice Prime Minister and the Prime Minister of Ukraine, received and transferred money that had been stolen, converted and taken by fraud in connection with the distribution of natural gas in Ukraine, as follows:

a. In approximately September 1995, Lazarenko, as First Vice Prime Minister of Ukraine, became responsible for the energy section in the Ukrainian government.

b. Beginning in approximately December 1995, a Ukrainian company called United Energy Systems of Ukraine ("UESU"), which was created on November 20, 1995 by Yulia Tymoshenko, an associate of Lazarenko's, was designated by the Ukrainian government as one of several companies to supply natural gas to Ukraine. UESU was given the authority to distribute natural gas to the Dnepropetrovsk region of Ukraine.

c. From approximately December 1995 until sometime in 1997, UESU received deliveries of natural gas from RAO Gazprom pursuant to contracts entered on December 29, 1995 and December 31, 1996 between RAO Gazprom, UESU, and others.

d. Beginning in approximately January 1996, UESU fraudulently conveyed title to the imported natural gas to United Energy International, Ltd. ("UEIL"), an 85% shareholder of UESU that was created on October 17, 1995, in London, England by a Turkish national named Ercument Aksoy, at the direction of Yulia Tymoshenko, and fraudulently diverted to foreign bank accounts belonging to UEIL the payments from Ukrainian customers for the natural gas delivered by UESU.

e. Between April 8, 1996 and December 31, 1996, rather than pay RAO Gazprom for the delivered gas with the money that had been transferred to UEIL, UEIL transferred approximately \$140,000,000 to Somolli Enterprises, a Cypriot company that was registered in Cyprus on October 8, 1992, and was controlled by Yulia Tymoshenko and others.

f. Between April 1996 and June 1997, Somolli Enterprises and UESU transferred a total of approximately \$97,000,000 into accounts that were controlled by Kiritchenko in Switzerland, Poland, and the United States, including transfers totaling

1 approximately \$13,000,000 to bank accounts in the Northern District of California.

2 g. Between February of 1996 and September of 1997, the money from Somolli,
3 along with other funds, totaling more than \$120,000,000 was transferred from Kiritchenko's
4 accounts into accounts controlled by Lazarenko in Switzerland and Antigua.

5 h. Thereafter, Lazarenko transferred portions of these funds from Switzerland
6 into bank accounts in the Northern District of California, including two transfers of \$14,000,000
7 each on August 1, 1997.

8 3) The PMH/GHP Fraud

9 23. It was further part of the conspiracy that Lazarenko, while he was the Prime
10 Minister of Ukraine, received and transferred money that had been stolen, converted and taken by
11 fraud by GHP Corporation, as follows:

12 a. GHP Corporation was incorporated in Panama on June 14, 1996, and was
13 controlled by Lazarenko and by Kiritchenko pursuant to a power of attorney.

14 b. During 1997, as Prime Minister of Ukraine, Lazarenko exercised his official
15 authority in favor of GHP Corporation by ensuring that the Ukrainian Cabinet of Ministers
16 entered a contract with GHP Corporation for the purchase of six prefabricated homes.

17 c. On January 24, 1997, GHP Corporation entered into a contract with Pacific
18 Modern Homes ("PMH") of Elk Grove, California, in which GHP Corporation agreed to
19 purchase six prefabricated homes for a total price of \$524,763, to be shipped to the Ukrainian
20 Cabinet of Ministers by PMH.

21 d. On January 27, 1997, GHP Corporation entered into a contract with the
22 Ukrainian Cabinet of Ministers in which GHP Corporation agreed to sell to the government of
23 Ukraine six prefabricated homes for a total price of \$1,416,000.

24 e. When the homes were delivered to Ukraine, representatives of GHP
25 Corporation presented false invoices to the Kiev Regional Customshouse to make it appear as
26 though GHP Corporation was the shipper of the homes and had paid \$1,416,000, as provided in
27 the contract between GHP Corporation and the Ukrainian Cabinet of Ministers, when in fact
8 PMH had shipped the homes and the homes actually cost only \$524,763.

1 f. To pay for the homes, two wire transfers were made from Ukrainian
2 government accounts to a GHP account in Switzerland, the first on January 30, 1997 and the
3 second on March 18, 1997, for \$708,000 each, or \$1,416,000 total.

4 g. One half of the difference of \$889,749 between the price paid for the homes
5 by GHP Corporation and the price paid for the homes by the Ukrainian Cabinet of Ministers was
6 transferred to accounts controlled by Lazarenko.

7 b. Lazarenko Devised a Scheme and Artifice to Defraud, to Obtain Money by False and
8 Fraudulent Pretenses, and to Deprive the People and Government of Ukraine of Their Right to
9 his Honest and Faithful Services

10 24. It was further part of the conspiracy that Lazarenko, while a government official in
11 Ukraine, devised a scheme and artifice to defraud and to obtain money and property by means of
12 false and fraudulent pretenses, and to deprive the people and government of Ukraine of their right
13 to his honest and faithful services as more fully set forth below in Paragraphs Thirty-Two
14 through Thirty-Eight, and knowingly caused wire transfers of funds into bank accounts in the
15 Northern District of California, as set forth below in Paragraph 40, and thereafter conducted
16 financial transactions involving the proceeds of this fraud.

17 B. The Means of Disguising and Concealing Payments of Money

18 25. It was further part of the conspiracy that Lazarenko, while a government official in
19 Ukraine and continuing until 1999, devised a means of disguising and concealing the money he
20 was receiving from extortion and fraud including, but not limited to, the payments described
21 above, by creating and causing the creation of various shell corporations and bank accounts into
22 which he would deposit or direct the deposit of money from individuals and businesses in
23 Ukraine, and from which he would transfer or direct the transfer of money to himself or to
24 entities he controlled.

25 1. The Swiss Bank Accounts

26 a. In March 1993, Lazarenko opened Account No. 502.607.60L at Union Bank
27 of Switzerland in Fribourg, Switzerland in the name of LIP Handel A.G.

3 b. Beginning sometime in 1994, Kiritchenko, upon Lazarenko's instructions,

1 opened and/or managed bank accounts Kiritchenko and Lazarenko established in Switzerland
2 and Poland to receive and transfer the money Lazarenko received from extortion and fraud,
3 including, but not limited to, the payments described above, in order to conceal and disguise the
4 nature, origin, location, source, ownership and control of the money that was paid for the benefit
5 of Lazarenko.

6 c. The accounts opened and managed by Kiritchenko included: accounts in the
7 name of GHP Corporation at Banque SCS Alliance (Account No. 5452) and at Banque Populaire
8 Suisse (Account No. 823896-2); accounts in the name of ORPHIN, SA at American Bank in
9 Poland (Account No. 61310) and at Banque Populaire Suisse (Account No. 21383); an account in
10 the name of Bainfield Company, Ltd. at Banque SCS Alliance (Account No. 5383); an account in
11 the name of WILNORTH, Inc. at Banque SCS Alliance (Account No. 5451); and an account in
12 the name of PADDOX INDUSTRIES at Credit Suisse (Account No. 0251-875709-7).

13 d. Beginning in 1994, Lazarenko caused money to be deposited into
14 Kiritchenko's accounts, and thereafter directed Kiritchenko to transfer into accounts controlled
15 by Lazarenko the money Lazarenko received from extortion and fraud, including, but not limited
16 to, the payments described above, in order to conceal and disguise the nature, origin, location,
17 source, ownership and control of the money that was paid for the benefit of Lazarenko.

18 e. The accounts opened and controlled by Lazarenko included: an account in
19 the name of KATO-82 at Credit Lyonnais (Suisse) (Account No. 08-05785-3); an account in the
20 name of CARPO-53 at Banque SCS Alliance (Account No. 5353); an account in the name of
21 NIHPRO at Banque Populaire Suisse (Account No. 21768), and later at Credit Suisse (Account
22 No. 988882-52); an account in the name of Lady Lake at Bank SCS Alliance (Bahamas)
23 (Account No. 20171); and an account in the name of Fairmont Group, Ltd. at Bank SCS Alliance
24 (Bahamas) (Account No. 20170).

25 2. European Federal Credit Bank in Antigua

26 f. Between May and August of 1997, Kiritchenko and Lazarenko began
27 negotiations to purchase and purchased a majority share of European Federal Credit Bank in St.
8 John's, Antigua (hereinafter "Eurofed") in order to facilitate the transfers of money and to further

1 conceal and disguise the nature, origin, location, source, ownership and control of the money that
2 was paid for the benefit of Lazarenko.

3 g. Between May and September 1997, Lazarenko transferred or caused the
4 transfer of approximately \$95,000,000 that Lazarenko had previously received from extortion
5 and fraud including, but not limited to, the payments described above, into accounts he and
6 Kiritchenko controlled at Eurofed. These accounts were used in part to conceal and disguise the
7 nature, origin, location, source, ownership and control of the money paid for the benefit of
8 Lazarenko and these accounts included: an account controlled by Kiritchenko in the name of
9 ORPHIN (Account No.151897); an account controlled by Lazarenko in the name of Lady Lake
10 (Account No. 132907); an account controlled by Lazarenko in the name of Fairmont (Account
11 No. 134936); an account controlled by Lazarenko in the name of Guardian Investments Group,
12 Ltd. (Account No. 119648); an account controlled by Lazarenko in the name of Nemuro
13 Industrial Group, Ltd. (Account No. 196317); an account controlled by Lazarenko in the name of
14 Firststar (Account No. 133923); and a personal account of Lazarenko's (Account No. 137978).

15 3. Transfers Into The United States

16 26. Between 1994 and 1999, Kiritchenko and Lazarenko transferred approximately
17 \$114,000,000 that Lazarenko had received from extortion and fraud, including, but not limited
18 to, the payments described above, into bank and brokerage accounts in the United States for the
19 purpose of concealing and disguising the nature, origin, location, source, ownership and control
20 of the money that was paid for the benefit of Lazarenko. These accounts included accounts
21 located in the Northern District of California at Commercial Bank of San Francisco; Pacific
22 Bank; Merrill, Lynch, Fenner & Smith; WestAmerica Bank; Bank of America; Fleet Boston
23 Robertson & Stephens; and Hambrecht & Quist.

24 All in violation of Title 18, United States Code, Section 1956(h).

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1 COUNTS TWO THROUGH FIVE: (18 U.S.C. § 1956(a)(2) -- Money Laundering)

2 27. The allegations in Paragraphs One through Fourteen and Seventeen through
3 Twenty-Six of this Second Superseding Indictment are hereby incorporated by reference.

4 28. On or about the specific dates set forth below, in the Northern District of California
5 and elsewhere, the defendant

6 PAVEL IVANOVICH LAZARENKO,
7 a/k/a "Pavlo Ivanovych Lazarenko,"

8 did transport, transmit, and transfer, and attempt to transport, transmit and transfer, funds from a
9 place in the United States to or through a place outside the United States, and to a place in the
10 United States from or through a place outside the United States, that is, the wire transfers of
11 money as set forth below, knowing that the funds involved in the transportation, transmission,
12 and transfers represented the proceeds of some form of unlawful activity, and knowing that such
13 transportation, transmission, and transfers were designed in whole or in part to conceal and
14 disguise the nature, source, ownership and control of the proceeds of specified unlawful activity,
15 to wit: receipt and transfer of property that was stolen, unlawfully converted, and taken by fraud
16 in violation of 18 U.S.C. § 2314 and § 2315; extortion as specified in 18 U.S.C. §
17 1956(c)(7)(B)(ii); and wire fraud in violation of 18 U.S.C. § 1343 and § 1346:

<u>COUNT</u>	<u>DATE</u>	<u>FINANCIAL TRANSACTION</u>
18 2	7/11/94	Wire transfer of \$1,510,000 from ABS Trading
19		Bank of America account number 0337-6948 in San
20		Francisco, CA, to CARPO-53 account number 5353
		at Banque SCS Alliance in Geneva, Switzerland
21 3	8/18/94	Wire transfer of \$968,000 from ABS Trading Bank
22		of America account number 0337-6948 in San
23		Francisco, CA, to CARPO-53 account number 5353
		at Banque SCS Alliance in Geneva, Switzerland
24 4	12/12/94	Wire transfer of \$1,963,000 from ABS Trading
25		Bank of America account number 0337-6948 in San
		Francisco, CA, to CARPO-53 account number 5353
		at Banque SCS Alliance in Geneva, Switzerland
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5 1/4/95

Wire transfer of \$2,210,000 from ABS Trading Bank of America account 0337-6948 in San Francisco, CA to NIHPRO account number 21678 at Banque Populaire Suisse in Geneva, Switzerland

All in violation of Title 18, United States Code, Sections 1956(a)(2) and 2.

COUNTS SIX THROUGH EIGHT: (18 U.S.C. § 1956(a)(1)(B) – Money Laundering)

29. Paragraphs One through Fourteen and Seventeen through Twenty-Six of this Second Superseding Indictment are hereby incorporated by reference.

30. On or about the specific dates set forth below, in the Northern District of California and elsewhere, the defendant

PAVEL IVANOVICH LAZARENKO,
a/k/a "Pavlo Ivanovych Lazarenko,"

did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, that is, the financial transactions set forth below, which transactions involved the proceeds of a specified unlawful activity, to wit: receipt and transfer of property that was stolen, unlawfully converted, and taken by fraud in violation of 18 U.S.C. § 2314 and § 2315; extortion as specified in 18 U.S.C. § 1956(c)(7)(B)(ii); and wire fraud in violation of 18 U.S.C. § 1343 and § 1346, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, source, ownership and control of the proceeds of the specified unlawful activity, and knowing that the property involved in the financial transaction as set forth below represented the proceeds of some form of unlawful activity:

<u>COUNT</u>	<u>DATE</u>	<u>FINANCIAL TRANSACTION</u>
6	11/21/97	Wire transfer of \$6,000,000 from European Federal Credit bank account number 1752902 at Commercial Bank of San Francisco to European Federal Credit Bank account number H10-6694904 at Hambrecht & Quist
7	8/31/98	Cashier's check for \$6,745,000 drawn on Dugsbery, Inc.'s WestAmerica Bank account number 0506368505, deposited into First American Title Co. escrow account for the purchase of a residence located at 100 Obertz Lane, Novato, California

SECOND SUPERSEDING
INDICTMENT

8 9/9/98

A transfer of \$2,300,000 from the Dugsbery, Inc. WestAmerica bank account number 0506368505 to Dugsbery, Inc. account number 34-567156 at Bank Boston Robertson Stephens

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B) and 2.

COUNTS NINE THROUGH THIRTY: (18 U.S.C. § 1343 and § 1346 -- Wire Fraud)

31. The allegations in Paragraphs One through Fourteen and Seventeen through Twenty-Six of this Second Superseding Indictment are hereby incorporated by reference.

The Scheme to Defraud

32. On or about and between January 1992 and June 1998, in the Northern District of California and elsewhere, the defendant

PAVEL IVANOVICH LAZARENKO,
a/k/a "Pavlo Ivanovych Lazarenko,"

did knowingly devise, attempt to devise, and aid and abet in devising, a scheme and artifice to defraud the people of Ukraine, to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and to deprive the people of Ukraine of his honest and faithful services, in violation of Title 18, United States Code, Sections 1343, 1346 and 2.

33. It was part of the scheme to defraud that Lazarenko, while a government official in Ukraine, received an ownership interests in certain companies doing business in Ukraine and with Ukrainian state enterprises, including, but not limited to, the following companies:

a. In approximately 1993, when he was the Representative of the President of Ukraine in the Dnepropetrovsk, Lazarenko obtained an ownership interest in Agrosnabsbyt/ASS.

b. In approximately 1993, when he was the Representative of the President of Ukraine in the Dnepropetrovsk, Lazarenko received an ownership interest in Dneproneft.

c. In approximately 1994 Lazarenko received an ownership interest in GHP Corporation.

34. It was further part of the scheme to defraud that Lazarenko, while a government official in Ukraine, exercised his official authority and influence in favor of, and to induce the grant of certain government benefits and privileges to, these and other entities doing business in

1 Ukraine and with Ukrainian state enterprises, by taking certain official action, including, but not
2 limited to, the following:

3 a. In 1994, when he was the Representative of the President in Dnepropetrovsk,
4 Lazarenko signed the "Direction by the Representative of the President of Ukraine of March 22,
5 1994, No. 100," pursuant to which various entities, including Agrosnabsbyt, Dneproneft,
6 Naukovy State Farm, and "Cube," a company owned and controlled by Yulia Tymoshenko,
7 received the right to export valuable state-owned commodities from Ukraine.

8 b. In 1995, when he was the First Vice Prime Minister in charge of the energy
9 sector, Lazarenko exercised his official authority to advance the business interests of UESU so
10 that UESU obtained the right to sell and distribute natural gas to certain commercial and state
11 enterprises in the Dnepropetrovsk region of Ukraine.

12 c. On December 31, 1996, when he was the Prime Minister of Ukraine,
13 Lazarenko signed an authorization allowing Government Minister Anatoly Minchenko to execute
14 on behalf of the government of Ukraine a \$200,000,000 guaranty in favor of RAO Gazprom for
15 delivery of natural gas by UESU to Ukraine, thereby causing the Ukrainian government to pledge
16 to use state funds to repay the debts of UESU to RAO Gazprom.

17 35. It was further part of the scheme to defraud that between 1993 and 1997 while a
18 public official in Ukraine, Lazarenko received over \$200,000,000 from various companies doing
19 business in Ukraine and with Ukrainian state enterprises including, but not limited to, the
20 following approximate amounts:

21 a. In 1996, Lazarenko received at least \$84,000,000 from Somolli Enterprises.

22 b. In 1996, Lazarenko received at least \$65,000,000 from UEIL.

23 c. Between 1994 and 1998, Lazarenko received at least \$30,000,000 from
24 Agrosnabsbyt/ASS.

25 d. In 1996, Lazarenko received at least \$25,000,000 from Itera Corporation.

26 e. Between 1993 and 1994, Lazarenko received at least \$14,000,000 from
27 Naukovy State Farm.

8 f. In 1997, Lazarenko received at least \$13,000,000 from UESU.

1 g. Between 1993 and 1996 Lazarenko received at least \$5,000,000 from
2 Dneproneft.

3 h. In 1997, Lazarenko received at least \$400,000 from GHP Corporation.

4 i. In 1994, Lazarenko received at least \$375,000 from Nakosta.

5 36. It was further part of the scheme to defraud that Lazarenko established various off-
6 shore bank accounts under coded names into which he deposited money he received from the
7 entities doing business in Ukraine and with Ukrainian state enterprises, including, but not limited
8 to, the bank accounts described in Paragraph Twenty-Five, and he failed to disclose the existence
9 of these accounts or his control of the funds in these accounts to the people of Ukraine in
10 violation of the laws of Ukraine.

11 37. It was further part of the scheme to defraud that Lazarenko, while he was a public
12 official in Ukraine, failed to disclose to the people of Ukraine that he had an ownership interest
13 in and was receiving money and property from companies described above in Paragraph Thirty-
14 Five by making false representations about his ownership interest in companies and the income
15 he received, in violation of the laws of Ukraine, including, but not limited to, the following false
16 representations:

17 a. On or about November 20, 1997, Lazarenko falsely represented to the people
18 and government of Ukraine that his total income for the year 1996 was 9,397 hryvni (the
19 Ukrainian national currency), or approximately \$5,040, that he had no income from any business
20 activities, and that he had no money in any banks or other financial institutions, when in fact he
21 had ownership interests in companies doing business in Ukraine and in 1996 he received more
22 than \$165,000,000 into bank accounts that he controlled.

23 b. On or about January 6, 1998, Lazarenko falsely represented to the people and
24 government of Ukraine that his total income for the year 1997 was 10,386 hryvni (the Ukrainian
25 national currency), or approximately \$5,570, that he had no income from any business activities,
26 and that he had no money in any banks or other financial institutions, when in fact in 1997 he
27 received more than \$15,000,000 into bank accounts that he controlled.

8 38. As a result of the scheme to defraud, the people of Ukraine were deprived of money

and of their right to Lazarenko's honest services as a Ukrainian public official.

The Wire Communications

39. The allegations in Paragraphs One through Fourteen, Seventeen through Twenty-Six, and Thirty-Two through Thirty-Eight of this Second Superseding Indictment are hereby incorporated by reference.

40. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant

PAVEL IVANOVICH LAZARENKO,
a/k/a "Pavlo Ivanovych Lazarenko,"

for the purpose of executing the scheme and artifice to defraud set forth above, and attempting to do so, did knowingly transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, the following wire transfers:

<u>COUNT</u>	<u>DATE</u>	<u>WIRE COMMUNICATION</u>
9	5/26/97	Wire transfer of \$2,998,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
10	5/28/97	Wire transfer of \$1,662,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
11	5/29/97	Wire transfer of \$394,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
12	6/3/97	Wire transfer of \$1,530,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to

1 European Federal Credit Bank correspondent
2 account number 645039 at Pacific Bank in the
3 Northern District of California for credit to
European Federal Credit Bank account number
151897

4 13 6/2/97

5 Wire transfer of \$2,200,000 from First Trading
6 Bank's correspondent account number 500802948
7 at Commercial Joint Stock Bank Slaviansky to
European Federal Credit Bank correspondent
8 account number 645039 at Pacific Bank in the
Northern District of California for credit to
European Federal Credit Bank account number
151897

9 14 6/4/97

10 Wire transfer of \$500,000 from First Trading
11 Bank's correspondent account number 500802948
12 at Commercial Joint Stock Bank Slaviansky to
European Federal Credit Bank correspondent
13 account number 645039 at Pacific Bank in the
Northern District of California for credit to
European Federal Credit Bank account number
151897

14 15 6/5/97

15 Wire transfer of \$170,000 from First Trading
16 Bank's correspondent account number 500802948
17 at Commercial Joint Stock Bank Slaviansky to
European Federal Credit Bank correspondent
18 account number 645039 at Pacific Bank in the
Northern District of California for credit to
European Federal Credit Bank account number
151897

19 16 6/6/97

20 Wire transfer of \$1,000,000 from First Trading
21 Bank's correspondent account number 500802948
22 at Commercial Joint Stock Bank Slaviansky to
European Federal Credit Bank correspondent
23 account number 645039 at Pacific Bank in the
Northern District of California for credit to
European Federal Credit Bank account number
151897

24 17 6/9/97

25 Wire transfer of \$510,000 from First Trading
26 Bank's correspondent account number 500802948
27 at Commercial Joint Stock Bank Slaviansky to
European Federal Credit Bank correspondent
28 account number 645039 at Pacific Bank in the
Northern District of California for credit to
European Federal Credit Bank account number
151897

18 18 6/10/97

Wire transfer of \$2,000,000 from First Trading
Bank's correspondent account number 500802948
at Commercial Joint Stock Bank Slaviansky to
European Federal Credit Bank correspondent

account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

19 6/11/97

Wire transfer of \$1,036,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

20 6/23/97

Wire transfer of \$1,400,000 from ORPHIN American Bank in Poland account number 61310 to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

21 7/7/97

Wire transfer of \$4,500,000 from ORPHIN American Bank in Poland account number 61310 to European Federal Credit Bank correspondent account number 1752902 at Commercial Bank of San Francisco in the Northern District of California for credit to European Federal Credit Bank account number 151897

22 7/11/97

Wire transfer of \$3,050,000 from ORPHIN American Bank in Poland account number 61310 to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

23 7/11/97

Wire transfer of \$2,602,000 from ORPHIN American Bank in Poland account number 61310 to European Federal Credit Bank correspondent account number 1752902 at Commercial Bank of San Francisco in the Northern District of California for credit to European Federal Credit Bank account number 151897

24 7/30/97

Wire transfer of \$8,200,000 from GHP Corporation account number 5452 at Banque SCS Alliance in Geneva, Switzerland to European Federal Credit Bank account 270-0148 at Merrill Lynch Fenner & Smith in the Northern District of California

25 8/1/97

Wire transfer of \$14,000,000 from CARPO-53 account number 5353 at Banque SCS Alliance in Geneva, Switzerland to European Federal Credit

1 Bank correspondent account number 645039 at
2 Pacific Bank in the Northern District of California
3 for credit to European Federal Credit Bank account
4 number 151897

5 26 8/1/97

6 Wire transfer of \$14,000,000 from CARPO-53
7 account number 5353 at Banque SCS Alliance in
8 Geneva, Switzerland to European Federal Credit
9 Bank correspondent account number 1752902 at
10 Commercial Bank of San Francisco in the Northern
11 District of California for credit to European Federal
12 Credit Bank account number 151897

13 27 11/24/97

14 Wire transfer of \$24,000,000 from European
15 Federal Credit Bank account number 562927 at
16 Credit Suisse in Geneva, Switzerland to European
17 Federal Credit Bank account number H10-6694904
18 at Hambrecht & Quist in the Northern District of
19 California

20 28 7/24/98

21 Wire transfer of \$9,000,000 from Lady Lake
22 account number 20171 at Banque SCS Alliance
23 (Bahamas) to European Federal Credit Bank
24 account number 1752902 at Commercial Bank of
25 San Francisco in the Northern District of California.

26 29 8/5/98

27 Wire transfer of \$5,300,000 from Lady Lake
28 account number 20171 at Banque SCS Alliance
29 (Bahamas) to Dugsbery, Inc. account number
30 506361809 at WestAmerica Bank in the Northern
District of California

31 30 8/11/98

32 Wire transfer of \$4,000,000 from European Federal
33 Credit Bank account number 7372101 at Bankas
34 Hermis in Vilnius, Lithuania to Dugsbery, Inc.
35 account number 506361809 at WestAmerica Bank
36 in the Northern District of California

37 All in violation of Title 18, United States Code, Sections 1343, 1346, and 2.

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SECOND SUPERSEDING
INDICTMENT

COUNTS THIRTY-ONE THROUGH FIFTY-THREE: (18 U.S.C. § 2314 -- Transportation of Stolen Property)

41. The allegations in Paragraphs One through Fourteen, Seventeen through Twenty-Six, and Thirty-Two through Thirty-Eight of this Second Superseding Indictment are hereby incorporated by reference.

42. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant

PAVEL IVANOVICH LAZARENKO,
a/k/a "Pavlo Ivanovych Lazarenko,"

did cause to be transported, transmitted, and transferred in interstate and foreign commerce, money of the value of \$5,000 or more, in the approximate amounts set forth below, knowing the money to have been stolen, converted, and taken by fraud:

<u>COUNT</u>	<u>DATE</u>	<u>ITEM TRANSFERRED</u>
31	7/1/94	Wire transfer of \$1,800,000 from LIP Handel account number 502.607.60L at Union Bank of Switzerland in Geneva, Switzerland to ABS Trading account number 0337-6948 at Bank of America in the Northern District of California
32	5/26/97	Wire transfer of \$2,998,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
33	5/28/97	Wire transfer of \$1,662,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
34	5/29/97	Wire transfer of \$394,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number

SECOND SUPERSEDING
INDICTMENT

151897

35 6/3/97

Wire transfer of \$1,530,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

36 6/2/97

Wire transfer of \$2,200,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

37 6/4/97

Wire transfer of \$500,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

38 6/5/97

Wire transfer of \$170,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

39 6/6/97

Wire transfer of \$1,000,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

40 6/9/97

Wire transfer of \$510,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897

1	41	6/10/97	Wire transfer of \$2,000,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
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5	42	6/11/97	Wire transfer of \$1,036,000 from First Trading Bank's correspondent account number 500802948 at Commercial Joint Stock Bank Slaviansky to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
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10	43	6/23/97	Wire transfer of \$1,400,000 from ORPHIN American Bank in Poland account number 61310 to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
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14	44	7/7/97	Wire transfer of \$4,500,000 from ORPHIN American Bank in Poland account number 61310 to European Federal Credit Bank correspondent account number 1752902 at Commercial Bank of San Francisco in the Northern District of California for credit to European Federal Credit Bank account number 151897
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18	45	7/11/97	Wire transfer of \$3,050,000 from ORPHIN American Bank in Poland account number 61310 to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
19			
20			
21			
22	46	7/11/97	Wire transfer of \$2,602,000 from ORPHIN American Bank in Poland account number 61310 to European Federal Credit Bank correspondent account number 1752902 at Commercial Bank of San Francisco in the Northern District of California for credit to European Federal credit Bank account number 151897
23			
24			
25			
26	47	7/30/97	Wire transfer of \$8,200,000 from GHP Corporation account number 5452 at Banque SCS Alliance in Geneva, Switzerland to European Federal Credit Bank account 270-0148 at Merrill Lynch Fenner & Smith in the Northern District of California
27			
8			

1	48	8/1/97	Wire transfer of \$14,000,000 from CARPO-53 account number 5353 at Banque SCS Alliance in Geneva, Switzerland to European Federal Credit Bank correspondent account number 645039 at Pacific Bank in the Northern District of California for credit to European Federal Credit Bank account number 151897
2			
3			
4			
5	49	8/1/97	Wire transfer of \$14,000,000 from CARPO-53 account number 5353 at Banque SCS Alliance in Geneva, Switzerland to European Federal Credit Bank correspondent account number 1752902 at Commercial Bank of San Francisco in the Northern District of California for credit to European Federal Credit Bank account number 151897
6			
7			
8			
9	50	11/24/97	Wire transfer of \$24,000,000 from European Federal Credit Bank account number 562927 at Credit Suisse in Geneva, Switzerland to European Federal Credit Bank account number H10-6694904 at Hambrecht & Quist in the Northern District of California
10			
11			
12			
13	51	7/24/98	Wire transfer of \$9,000,000 from Lady Lake account number 20171 at Banque SCS Alliance (Bahamas) to European Federal Credit Bank account number 1752902 at Commercial Bank of San Francisco in the Northern District of California
14			
15			
16	52	8/5/98	Wire transfer of \$5,300,000 from Lady Lake account number 20171 at Banque SCS Alliance (Bahamas) to Dugsbery, Inc. account number 506361809 at WestAmerica Bank in the Northern District of California
17			
18			
19	53	8/11/98	Wire transfer of \$4,000,000 from European Federal Credit Bank account number 7372101 at Bankas Hermis in Vilnius, Lithuania to Dugsbery, Inc. account number 506361809 at WestAmerica Bank in the Northern District of California
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All in violation of Title 18, United States Code, Sections 2314 and 2.

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1 FORFEITURE ALLEGATION: (18 U.S.C. § 982 -- Criminal Forfeiture)

2 43. The allegations contained in Counts One through Eight of this Second Superseding
3 Indictment are hereby realleged and by this reference fully incorporated herein for the purpose of
4 alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982(a)(1).

5 44. As a result of the offenses alleged in Counts One through Eight, Pavel Ivanovich
6 Lazarenko shall forfeit to the United States all property, real and personal, involved in such
7 offense, or any property traceable to such property, including but not limited to, approximately
8 \$21,696,000, constituting the laundered proceeds of foreign extortion, wire fraud, and interstate
9 transportation of stolen property, including, but not limited to the following:

10 a. Real property and improvements located at 100 Obertz Lane, Novato,
11 California, and more particularly described in Attachment 1, hereto; and,

12 b. All funds seized from account number 34-567156 at Bank Boston Robertson
13 Stephens, in the approximate amount of \$266,307.20.

14 45. By virtue of the commission of the felony offense charged in Counts One through
15 Eight of this Second Superseding Indictment by Pavel Ivanovich Lazarenko, any and all interest
16 that Pavel Ivanovich Lazarenko has in the above-described property is vested in the United States
17 and is hereby forfeited to the United States pursuant to Title 18, United States Code, Section
18 982(a)(1).

19 46. If any of the property described herein as being subject to forfeiture, as a result of
20 any act or omission of the defendant –

- 21 a. cannot be located upon the exercise of due diligence;
22 b. has been transferred or sold to or deposited with, a third person;
23 c. has been placed beyond the jurisdiction of the Court;
24 d. has been substantially diminished in value; or
25 e. has been commingled with other property which cannot be subdivided
26 without difficulty;

27 any and all interest Pavel Ivanovich Lazarenko has in other property shall be vested in the United
8 States and forfeited to the United States pursuant to Title 18, United States Code, Section

1 982(b)(1), up to approximately \$21,696,000.

2 All in violation of Title 18, United States Code, Sections 2314, 1956(h), and 1956(a)(2).

5 DATED:

A TRUE BILL.

6 7-19-01

7 Carol L. Wilkins
8 FOREPERSON

9 ROBERT S. MUELLER, III
10 United States Attorney

11 Susan Badger
12 DAVID W. SHAPRO
13 Chief, Criminal Division

14 (Approved as to form: [Signature])

15 AUSA BOERSCH

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SECOND SUPERSEDING
INDICTMENT